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ing hearsay evidence. The author's contention that evidence of reputation is hearsay (p. 305) seems to be due to an uncritical failure to discriminate between the fact testified to and the inference to which it leads. The knowledge of the witness—that the community in which X resides has such an opinion of him, speaks thus of him—is immediate and direct, and it is to this and this only that he testifies; the rest is inference for the jury.

There is a curious lack of historical perspective in the statement (p. 288) that the judges "have arrogated to themselves the right of deciding those issues of fact which turn only upon direct real evidence," *i. e.*, upon writings submitted to the court, as well as in the implication (p. 291) that it is an unwarranted stretch of judicial power to pass upon any evidence not "real." These are errors which even a slight acquaintance with the writings of Brunner or of Prof. Thayer would have obviated. The treatment of the topics of Burden of Proof and Presumptions, which would lend themselves admirably to the author's method, is perfunctory and unsatisfactory. It is to be regretted that in dealing with presumptions he did not take the obvious step of taking irrebuttable or conclusive presumptions out of that doubtful category and of referring them to the several branches of the substantive law to which they belong.

There are other errors in the book, but enough has been said to show that, with all its merits, the work is not an infallible guide. But the reviewer has failed in his aim if he has not left in the minds of his readers the conviction that, with all its faults, the book is one which the serious student of the law of evidence cannot afford to ignore.

A TREATISE ON THE LAW OF NATURALIZATION OF THE UNITED STATES. By FREDERICK VAN DYNE, LL.M. Washington: Frederick Van Dyne. 1907. pp. xviii, 527. The Lawyers' Co-operative Publishing Co., Selling Agents. Rochester, N. Y.

The great tide of immigration which has been pouring upon our shores in recent years, and one or two events which have occurred in this country, have directed attention to this subject and to the kindred one of naturalization in a manner to arouse public interest more keenly than for a long time. From 1828 till 1903 there were no changes of special moment in the statutes governing naturalization, but since that time the legislation has been considerable, and in some respects marks a radical departure from that which had preceded. It was therefore timely that there should be a work devoted to this subject, which should embody the present condition of the law, both as to the successive statutory enactments, and the construction placed upon them, and this is now furnished in the volume entitled "Naturalization in the United States" by Frederick Van Dyne, and is a fitting supplement to the earlier volume by the same author, "Citizenship of the United States."

There are two distinct view-points in dealing with the subject of naturalization, one that of the Courts, which are asked to admit an alien to citizenship or to pass upon the validity of the proceeding or order by which he was admitted, and the other that of the executive or administrative branch of the government. The former is controlled entirely by the acts of Congress and the interpretation placed upon those acts by various

courts; in the other aspect international law plays an important and often a controlling part. The result is inevitable that a different rule, or a different application of the rule, is followed in the administrative from that which obtains in the judicial branch of the government. Any work therefore which deals with such a subject must deal with it in the dual aspect. This condition Mr. Van Dyne has recognized in his work and emphasizes it more than once, but when he comes to the citation of authorities, the particular aspect upon which a given citation bears is not always as clearly pointed out as was to have been desired.

The volume is specially full in references to the rulings of the various departments of the government, and the decisions of special commissions, and in some cases the quotations from these are very full. This is especially noticeable in connection with the case of *Ruiz v. United States*, decided by the Spanish Claims Commission in 1905, and from the opinion in which he quotes to the extent of forty-four pages. For such liberal citation the main justification is to be found in the fact that the decisions of Commissions of this character, as well as rulings by the administrative departments, are often inaccessible to a very large number of lawyers and to our ministers and consuls when at their several posts of duty. But the prominence which is given to this aspect of the subject makes the present volume of greater value to those practising before the government departments and to our foreign representatives than to the lawyer whose practice is in the Courts of one of the States.

The great confusion which has long existed and which to some extent still exists where the question involved is the effect of the naturalization upon dependents, such as wife and children, of the individual naturalized, is brought out in bold relief, but to assume that the recent legislation has removed all possibility of doubt and question seems going further than is warranted when the cases and rulings quoted by the author are carefully examined. As a rule Mr. Van Dyne contents himself with quoting from recorded decisions and carefully refrains from any expression of opinion with regard to matters for which he can cite no authority. This is of course a safe rule to follow, and yet at times the reader naturally wishes that the author had from all his study of the subject been a little bolder. As an illustration of what is meant: there is quite a discussion of the persons who are capable of naturalization, in which the various races are treated of in connection with the acts of Congress and adjudications of the Courts. But take the case of an alien who under our immigration laws ought not to have been permitted to land in this country, but has managed to successfully elude the vigilance of the immigration officials. His very act of entry is a violation of our laws, his first step upon our soil is as a lawbreaker. Is such an one a proper subject or not for naturalization? This question has not yet been passed upon by the Courts, and an expression of opinion on it would have been both pertinent and of value.

The chapter on expatriation, while short, is of great value for the reason that there is no phase of the question with regard to which so much misapprehension exists, even among those usually well informed on the subject, but it would have been improved by the addition to it of the recent German statute on the subject, which affects the status of many

Germans now residing in this country, and who are in profound ignorance of the fact that they have completely expatriated themselves.

The various forms given and which are in strict accordance with the provisions of the act of 1906 will give the book peculiar value to the Clerks of the various Courts which exercise the power of naturalizing foreigners, while the statutes, treaties, departmental regulations and list of Courts which can now properly exercise the power to naturalize will be found a most convenient compendium.

In one respect the legislation thus far enacted is incomplete, and an effective remedy difficult to devise, but attention is called to it in the hope that Mr. Van Dyne from his study of the subject may be able to suggest a practicable solution. Take the case of a man who has been naturalized in one of the State Courts and thereafter moves to a different State where it is discovered that his naturalization was fraudulently obtained. The statutes provide that the District Attorney of the domicile of the individual may proceed for the cancellation of his naturalization, by the giving of actual or constructive notice to the person to be affected, and that this may be followed up and consummated in the jurisdiction of the domicile by an order of cancellation. But that does not wipe out the record of the naturalization, and the Court which may enter an order of cancellation has no jurisdiction whatever over the first tribunal and no power to compel any alteration of its records. There may thus be in existence at the same time a record of naturalization in one jurisdiction and of the cancellation of it in another, and these may continue to coexist. Such a condition is of course an anomaly, and yet so long as state and federal tribunals exist independent of one another, and the one not subject to the orders and decrees of the other, it would seem that this condition must continue.

AN ESSAY ON PROFESSIONAL ETHICS. By Hon. GEORGE SHARSWOOD, LL.D. Fifth Edition. Reprinted for the American Bar Association. Philadelphia: T. & J. W. Johnson Co. 1907. pp. 196.

This edition of a legal classic is published in connection with the project now before the American Bar Association of formulating a code of legal ethics.

The work is founded on a course of lectures delivered by Chief Justice Sharswood, more than fifty years ago, while a Professor in the Law Department of the University of Pennsylvania. The subject of legal ethics is always of fresh interest to the class whom it most concerns—that of law students. Professor Sharswood discussed it in his lecture room with more fulness than had as yet attended its treatment in any English or American university, and after the lapse of half a century this book is still the authority to which appeal is generally taken, where lawyers differ as to what in any case may be the proper rule of professional conduct. In North Carolina, not otherwise famous for strictness in its requirements for admission to the bar, every applicant is required to read it.

It may perhaps be regretted that the author did not confine himself more closely to the particular topic in hand. When with the observation that the world is too much governed, he expresses his dissent (p. 23) from